

REMARKS

Claims 1-13 were pending in the application. Applicants have amended claims 7 and 13; and added new claims 14-18. Favorable reconsideration and allowance of this application is respectfully requested in light of the amendments and the foregoing remarks.

1. Claim Objections

Claim 13 is objected to because of the several informalities. Applicant has amended Claim 13 to correct the lack of antecedent basis for "the spring member". Also, claim 13 was amended to insert "the" after "resists". Withdrawal of the objections is respectfully requested.

Claim 7 was amended to correct format by removing a semi-colon and the word "and".

2. Rejections under 35 U.S.C. 102(b)

Claims 1,2,3,7,8,9,10,13 were rejected under 35 U.S.C. 102(b) as being anticipated by Bedney (4,738,317).

Claim 1 recites a seed planting assembly which comprises a laterally extending tool bar, a planting unit including a planting unit frame supported by the tool bar, wherein the planting unit frame carries a seed trench opening assembly operable to create a seed trench, a seed delivery assembly delivering seeds into the seed trench, and a seed trench closing assembly operable to close the seed trench, a mounting assembly including an upper and lower support beam members pivotally linking the planting unit frame with the tool

bar, wherein the mounting assembly permits the planting unit to raise and lower with respect to the tool bar; a vertical positioner including a first linkage connected to the lowest beam member, and a second linkage connected to the first linkage at a positioner joint and further in mechanical communication with the planting unit frame and a biasing member urging the second linkage towards the positioner joint.

The Bedney patent link 66, Figure 2 has to be rotated so that spring 74 biases link 18 to engage or disengage member 82. This requires the movement of link 66 to the desired position prior to using a lever to raise the row unit so that link 18 will engage or disengage resulting in a two step process. Link 18 has to engage engaging member 82 to hold row unit in raised position and become disengaged when row unit is in operating position. Bedney is using the over center spring to control whether linkage 62 is engaged or disengaged.

The Applicant's invention Figure 5 spring 134 always biases the slot 112 link 90 toward the rear of the slot. Thereby, only having to perform one step to raise or lower the row unit by rotating link 100 about pin 57, Figure 4 and Figure 6. The linkages are never disengaged from their pivot locations. An over center linkage to support row unit with the spring acting to prevent accidental engagement when the row unit may raise to a maximum height as it follows the ground surface contour. Bedney is using the over center spring to control whether linkage 62 is engaged or disengaged.

The Bedney patent does not disclose the seed planting assembly as recited in claim 1. Rather, the Bedney uses the over center spring to control whether the link 62 is engaged or disengaged. Thus, Bedney does not teach or

suggest the features of the invention in claim 1. Accordingly, the Bedney patent does not teach each and every limitation of the claimed invention. Applicant respectfully requests reconsideration and allowance of claim 1.

Dependent claims 2-3, 7, 8, 9,10, and 13 are believed to be in condition for allowance for incorporating by reference the limitations of claim 1 and for defining additional features of the invention, which, when considered in combination with those of claim 1, are not taught or suggested by the prior art relied upon in the rejection. A review of the other cited references fails to teach or suggest this limitation.

3. Allowable Subject Matter

The Examiner has allowed Claims 4-6, 11, 12. The Examiner has objected to claims 4-6, 11, 12 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (See page 3 of Office Action). New claims 14-18 have been added in independent form including all of the limitations of the base claim and any intervening claims. Withdrawal of the objection and allowance of claims 4-6, 11, 12 is respectfully requested based on the arguments made above for the over the anticipation of Bedney. Applicant respectfully requests reconsideration and allowance of claim 4-6, 11, 12, 14-18.

4. New Claims

The Examiner has allowed Claims 4-6, 11, 12. The Examiner has objected to claims 4-6, 11, 12 as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (See page 3 of Office Action). New claims 14-18 have been added in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully requests reconsideration and allowance of claims 14-18.

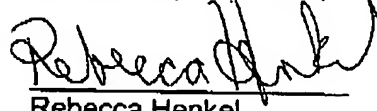
CONCLUSION

It is submitted that claims 1-18 are in compliance with 35 U.S.C. §§ 102 and 103 and defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No extension fee is due with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 03-1025.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



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